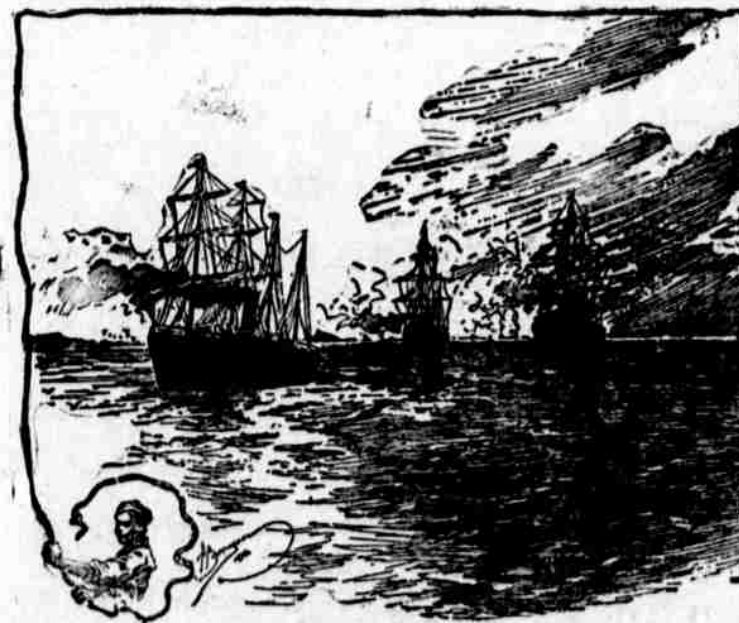




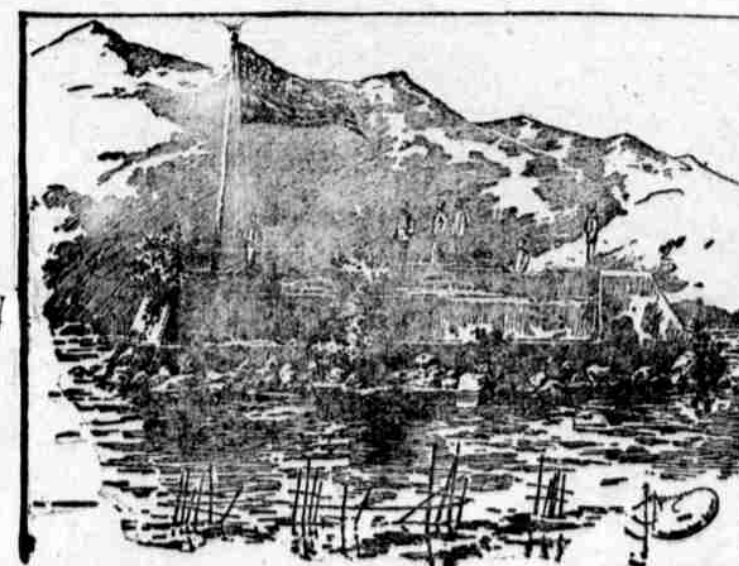
The First American Flag Raised Over Manila.
Reduced from an illustration in "On to Manila."



Flag Lieutenant Drummy of Admiral Dewey's Staff and his Flag-Raising Party on the Battlements of Old Manila.
Redrawn from an illustration in "On to Manila."



The Departure of the First Fleet of Transports.
Reproduced from an illustration in "On to Manila."



Raising "Old Glory" at Fort Santa Cruz, Iloilo Islands.
Reproduced from an illustration in "On to Manila."

NEW REGISTRY OF VESSELS

Opinion of Attorney General Griggs
on Registry Law.

Local Supreme Court Overruled—Opinion on
Which President's Proclamation
Was Based.

Following is the opinion of Attorney General Griggs on the local Supreme Court's decision overruling the President's proclamation stopping registry of vessels under the Hawaiian flag:

Department of Justice, Washington, D. C., Sept. 12, 1899.

The Secretary of the Treasury.—Sir: Your letters of August 5 and 9, with their enclosures, relative to the issuance of Hawaiian registers to vessels, are at hand.

The decision of the Supreme Court of the Hawaiian Islands, a copy of which you send, determines, in relation to applications for writ of mandamus to compel the issuance of Hawaiian registers to certain vessels, that the Hawaiian registry laws are a part of the municipal legislation of those Islands remaining in force by the terms of the resolution of annexation, and that Congress manifested no particular intention to abrogate the Hawaiian registration laws immediately upon annexation, but manifested a general intention to continue those laws. The said applications were, however, by this opinion denied upon other grounds but the cases have reopened for the determination of a certain question of fact not material to the present inquiry. Nevertheless, the question of law now before us was definitely ruled by that opinion, and since the Treasury Department has taken the ground that vessels should not be authorized to receive Hawaiian registers and fly the Hawaiian flag after July 7, 1898, you suggest that the only remedy for the situation is an Executive order suspending the issuance of Hawaiian registers, as a recent Executive order suspended the holding of a general election in the Islands provided for under the Hawaiian Constitution; and you request my opinion as to the legality of such an order of the President to be procured and the issued at your instance, under the resolution of Congress for the annexation of Hawaii.

Under these circumstances, therefore, the question is fairly a legal question and one arising in the administration of your department. It is obviously a question of high importance and demands careful consideration from the legal standpoint as well as from the standpoint of wise governmental policy.

The decision of the Supreme Court of Hawaii is based upon the view of Chancellor Kent (3 Com., page 149), who says, "The registry is not a document required by the law of nations as expressive of a ship's national character. The registry acts are to be construed as forms of local or municipal institutions for purposes of public policy." But it is evident that while Chancellor Kent finds the source of registration in municipal law and not in the law of nations, the character of registration as a government act is national, and expresses sovereignty. The issuance of registry to vessels entitling them to carry national colors is an act of sovereignty, although the register itself is not a document required by the law of nations as indicative of a ship's national character; for this can be shown in other ways, as, for instance, by a consular certificate attached to the bill of sale of a vessel to an American citizen. This is evidence of a national character and entitles the vessel under the consular regulations to the protection of the flag. Sea letters are also at times evidence of the national character of a vessel, and a bill of sale also is such evidence. Chancellor Kent himself says, as Chief Justice of the Supreme Court of New York, in the case of *Barker vs. Phoenix Insurance Company* (8 Johns., 307, 319), referring to two kinds of American vessels, the one registered and the other unregistered and carrying a sea letter or an official certificate of ownership, "But in reference to the law of nations and to security upon the high seas, both species of vessel were equally entitled to protection as American property."

While thus there are other documents which impress national character upon a vessel, the register is the usual and most complete evidence of such character, and the fullest character of the rights dependent thereon.

It is to be noted in passing that the Hawaii register is, by the terms of the Hawaiian law, even more clearly an international document than the American register (Secs. 1000-1003, Civil Laws of the Hawaiian Islands, 1897, c. 69, Registry of Foreign Vessels, p. 412).

Beyond question a vessel's register expresses nationality, and registration laws, though municipal in origin, are of national character (in the terminology of classification of different branches of the law), assert necessarily and before anything else the sovereignty of the government by which they are enacted and enforced. Therefore Chancellor Kent's statement in the *Commentaries*, SUPRA, is to be taken as meaning that the law of nations recognizes various ways of holding out a ship's national character, and does not require the peculiar form known as a register, but it is not to be taken as meaning that registration is a matter merely of local law, and does not affect, or is not affected by, matters beyond the local domain.

Now, the joint resolution of Congress for the annexation of the Hawaiian Islands provides generally that "the municipal legislation of the Islands *** not inconsistent with this joint resolution *** shall remain in force until the Congress of the United States shall otherwise determine." And by the preamble to the resolution the absolute and unreserved cession of all rights of sovereignty of whatever kind by the Hawaiian Government to the United States is evidenced. Again, although there is a Hawaiian GOVERNMENT—the constitution under the terms of the resolution of a government long existing there as an independent autonomy—the language and the spirit of the resolution necessarily require the extinction of Hawaiian NATIONALITY and SOVEREIGNTY—the two very things, above all others, which the register of a vessel expresses.

In my opinion, therefore, the Hawaiian authorities cannot in any way certify to the Hawaiian charter of a vessel for the Hawaiian national character can no longer be attributed to vessels owned by inhabitants of the Islands. Under the law of nations, vessels bearing any form of certificate of Hawaiian national character at the time of annexation must look to the United States for protection on the high seas and in foreign ports. Their NATIONAL character has become American.

It is not necessary now to consider what all the consequences of this view may be and what form of certificate of American national character may properly be issued to vessels belonging to Hawaiians, pending Congressional action, although there appears to be authority under the consular regulations for giving such vessels the protection of our flag.

With due respect to the judgments of the Supreme Court of Hawaii, I am unable to admit that a Hawaiian registry can now be issued to a vessel and the flag of Hawaii, the usual token of registration, be flown by her; for although the Hawaiian registry law is conceded to be a municipal law (in its origin, but by no means MERELY a municipal law in its field of operation and effects), its application since annexation is totally inconsistent with that portion of the resolution by which the Hawaiian Government ceded absolutely and without reservation all rights of sovereignty of whatever kind to the United States. By the very language of the resolution municipal legislation inconsistent with the resolution shall not remain in force, and upon these views I am constrained to hold that the registration laws of Hawaii have been abrogated as a necessary consequence of annexation.

It therefore follows that in my opinion an order of the Executive suspending the issuance of Hawaiian registers would be a legal exercise of power under the resolution of Congress for the annexation of Hawaii.

Very respectfully,
(Signed) JOHN W. GRIGGS,
Attorney General.

How Guam was taken is told in *On to Manila*.

Specially Published for the Evening Bulletin.

NOW READY FOR DELIVERY

An Elaborate History of the Philippine
Campaign, Entitled

On To Manila

By DOUGLAS WHITE,

The Special
War Correspondent
of the Examiner-Journal,

Who tells of the achievements secured by our American Arms in the Orient, from the time when Admiral Dewey made his historic entrance into Manila Bay to the present.

The work consists of fifty-sixty octavo pages with eighty-four superb illustrations from photographs and a series of pen sketches by Pierre N. Boeringer, the War Artist who accompanied America's Expeditionary Forces.

SPECIAL FEATURES OF "ON TO MANILA":

A Sketch from the life of Admiral George Dewey, made on the deck of his Flagship.

A complete roster of the Oregon, California, Washington and Idaho Volunteers, with a death list compiled and revised to May 25th.

A Department devoted to the movement of California's regiment from the time it sailed from San Francisco to the present.

Portraits of California's Commanders and California's Officers taken in Manila.

Groups of California's Companies taken while on duty in Manila.

Authentic Maps showing the movements of our Army in the Island of Luzon.

An immense Panoramic View of the City of Manila, reproduced from Photographs.

Illustrations produced from photographs showing the American troops in the field, in camp, in barracks, and in action against the Spaniards and the Filipinos.

A detailed story of the two campaigns written by an author who, having been detailed as a special War Correspondent to accompany Admiral Dewey's Fleet and the Eighth Army Corps, is specially fitted to describe the stirring events which befell our "Boys in Blue" in those far-away Islands of the Orient.

Beautifully bound in Gold and Embossed Covers, and by a special arrangement is placed within the reach of the BULLETIN'S readers at the price of

25 CENTS AND ONE COUPON.

As the edition is limited and all orders will be filled in rotation, you desire the work it is advisable that your order be filed at once.

Now ready for delivery at the BULLETIN office.

JUST THE THING FOR BREAKFAST

AUNT ABBEY'S

THE DARKER COLOR OF THIS BRAND IS SIMPLY DUE TO THE OATS BEING ROASTED WHILE ALL OTHER BRANDS ARE STEAMED. THE ROASTING GIVES A PECULIAR DELICIOUS RICH FLAVOR.

MADE FROM BEST WHITE OATS.

FRANK B. PETERSON & CO.

COAST AGENTS

30-32 CALIFORNIA ST.

SAN FRANCISCO, CAL.

EASTERN ROLLED OATS

HEALTHFUL - ECONOMICAL - DELICIOUS.

OTHER BRANDS ARE NOT JUST AS GOOD